

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEATRICE M. HEGHMANN and ROBERT A.
HEGHMANN,

Plaintiffs,

v.

KATHLEEN SEBELIUS, Secretary, Department
of Health and Human Services, NANCY-ANN
DEPARLE, Director, White House Office of
Health Reform, and CHARLENE FRIZZERA,
Administrator, Centers For Medicare and
Medicaid Services,

Defendants.
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09 Civ. 5880 (BSJ)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the memorandum of law dated October 30, 2009, and all the pleadings previously filed in this action, defendants Kathleen Sebelius, Secretary, Department of Health and Human Services; Nancy-Ann DeParle, Director, White House Office of Health Reform; and Charlene Frizzera, Administrator, Centers for Medicare and Medicaid Services, by their attorney Preet Bharara, United States Attorney for the Southern District of New York, will move this Court for an order dismissing the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the prior order of the Court, plaintiffs are required to serve a copy of answering papers, if any, on or before November 20, 2009; and defendants are required to serve a copy of reply papers, if any, on or before December 11, 2009.

Dated: New York, New York
October 30, 2009

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Defendants

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